

Mishcon de Reya
NEW YORK LLP

750 7th Avenue - 26th floor
New York, NY 10019
www.mishconnewyork.com

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Direct Tel: 212-612-3265
Direct Fax: 212-612-3297
E-mail: Vincent.Filardo@Mishcon.com

BY ECF AND HAND DELIVERY

Honorable Richard M. Berman
United States District Court
For the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 17B
New York, NY 10007

Re: *Rio Tinto plc v. Vale, S.A., et al.*,
Civ. Action No. 14-cv-3042 (RMB) (S.D.N.Y.)

Dear Judge Berman:

This Firm is counsel to foreign defendants BSG Resources Limited (“BSGR”) and Benjamin Steinmetz (together, “Defendants”) in the above-captioned Action. We write with respect to the conference scheduled for Monday, December 1, 2014, concerning the status of any settlement discussions between the parties (“Status Conference”).

Counsel for BSGR and Mr. Steinmetz is authorized and prepared to participate on their behalf at the Status Conference, including in any discussions concerning a possible resolution of this Action. In light of Defendants’ stated intention to seek dismissal -- at a time to be set by the Court following resolution of the pending *forum non conveniens* motion which seeks dismissal of this Action in favor of suit in England -- on the ground that this Court lacks personal jurisdiction over them, and in an abundance of caution concerning potential waiver of that defense, among other concerns, we respectfully inform the Court that neither Mr. Steinmetz nor a principal representative of BSGR will be present for the Status Conference.

Respectfully,


Vincent Filardo, Jr.



cc: All Counsel of Record (by ECF)